THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.23211 OF 2005

DATED:28.10.2005

Between:

P.Kamala Devi and another

…Petitioners

And

The Govt. of A.P. represented by its Prl. Secretary

To Revenue Department, Secretariat, Hyderabad

and others

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.23211 OF 2005

ORDER:

The petitioners herein filed a declaration before the third respondent under Section 6 of the Urban Land (Ceiling and Regulation) Act, 1976. The Special Officer determined the petitioners to be surplus landholders to the extent of 2942 Sq.mts. Aggrieved by the same, petitioners filed an appeal before the second respondent, who by order dt.2.4.2005 disposed of the appeal remanding the matter to third respondent for re-computation. Again, after doing such exercise, third respondent issued proceedings on 3.8.2005 confirming the earlier order. The petitioners again carried the matter in appeal under Section 33 of the Act before the second respondent, who, while admitting the appeal and calling for remarks from the office of third respondent, refused to grant stay. The refusal order dt.19.10.2005 is assailed in the Writ Petition.

As seen from the earlier order of the Commissioner dt.2.4.2005 the draft statement in the present case was published on 2.5.1978. It may be presumably for one reason why the second respondent did not exercise discretion in granting stay. This Court does not therefore find any error in the exercise of such discretion.

As the matter was already remanded once, it would be in the interest of the petitioners and the State to direct the second respondent to dispose of the appeal itself within a period of two weeks from the date of receipt of a copy of this order. In the meanwhile, third respondent is also directed to send the records and his remarks to the second respondent within a period of one week from today.

The Writ Petition with the above observations and directions is accordingly disposed of.

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(V.V.S.RAO, J)

28.10.2005

bnr

Note:Dispatch copy of the order today -28.10.2005.

(B.O)

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